

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 701 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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LAMBHA SEVA SAHAKARI MANDLI LTD.

Versus

GENERAL INSURANCE CORPORATION OF INDIA

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Appearance:

MR RM VIN for Petitioner

Mr J M Thakore, Advocate General with Ms.Harsha Devani, AGP for the State.

MR RAJNI H MEHTA for Insurance Corporation of India

MR JD AJMERA for Union of India

Mr iP M Raval, Sr.Advocate for Gujarat State Cooperative Bank Ltd.

Mr Shirish Joshi for District Cooperataive Bank

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CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 14/08/96

ORAL JUDGEMENT

In this Special Civil Application, the petitioner

has prayed that a writ in the nature of mandamus or any direction be issued the respondents to indemnify the petitioner society and farmers under the Comprehensive Crop Insurance Scheme for the year 1986 of Kharif for loans disbursed from January 1986 to March 1986 under the scheme covering the loans disbursed from January to September 1986 and that further declaration may be made that the decision of the Government of India, Ministry of Agriculture that the loans disbursed prior to 1st April 1985 or between January and March 1986 cannot be covered under the scheme is illegal and arbitrary.

2. It may be stated that during the course of argument in Special Civil Application No.1541/87 and allied matters, Mr R M Vin, learned Advocate for the petitioner in this Special Civil Application had submitted that he adopts all the arguments and contentions raised by Shri S K Jhaveri. However, inadvertently, this matter could not be tagged with those matters at the time of delivery of the judgment.

3. This Court, in Special Civil Application oNo.1541/87 decided on 7.8.1996, has held that the period of 1.1.1985 to 31.3.1985 does not cover the khariff period 1985 and as such they are not entitled to compensation under the scheme.

4. In view of the aforesaid, I find no merit in this Special Civil Application and the same is accordingly rejected.

Rule discharged with no order as to costs.

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